

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

Shirley Hubbard,

Plaintiff

v.

Case No.: 3:18-CV-00018-JAG

Independent Container Line, LTD.,

Defendant.

**DEFENDANT'S PARTIAL MOTION TO DISMISS PLAINTIFF'S CLAIMS OF
RACE, COLOR AND RELIGIOUS DISCRIMINATION FOR LACK OF SUBJECT
MATTER JURISDICTION OR FOR FAILURE TO STATE A CLAIM**

Now Comes the Defendant, Independent Container Line, Ltd. ("ICL"), through undersigned counsel, and pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure respectfully moves this Court to dismiss Plaintiff's claims for discrimination based upon her race, color, and religion because this Court lacks the subject matter jurisdiction to hear these claims. In the alternative, and pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Defendant respectfully moves that this Court dismiss Plaintiff's discrimination claims for failure to state a claim. Defendant makes these motions for the reasons stated above as explained more fully in its Memorandum of Points and Authorities that is being filed simultaneously herewith.

WHEREFORE, for the reasons set forth above, among others, Defendant respectfully request that its partial motion to dismiss be GRANTED and that Plaintiff's claims of discrimination based upon her color, race, or religion be dismissed and that this case proceed only on the Plaintiff's claim of unlawful retaliation.

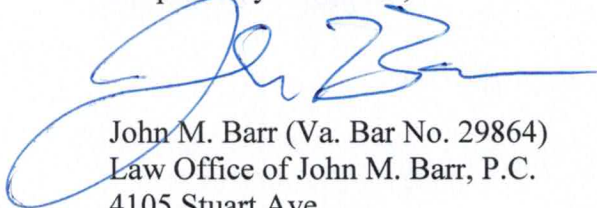
Roseboro Notice to Plaintiff

Pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975) and Rule 7(K) of the Local Rules for the United States District Court for the Eastern District of Virginia, the Plaintiff is hereby notified that:

- Plaintiff may file a response opposing this motion within 21 days of this motion being filed with the Court;
- The Court may dismiss part of Plaintiff's claim based solely on Defendant's motion if she does not file a response;
- Plaintiff must identify all facts cited by Defendant in support of its motion with which she disagrees and Plaintiff must set forth her version of the facts by offering affidavits (written statements signed before a notary public and under oath) or sworn statements (bearing a certificate that it has been sworn to under penalty of perjury);
- Plaintiff may file within 21 days a legal brief in opposition to the brief submitted by Defendant.

Dated this 8th day of January, 2018.

Respectfully submitted,

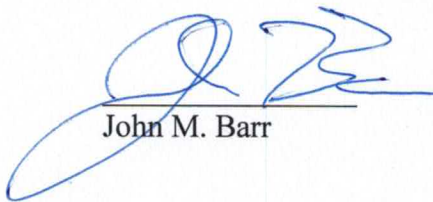


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Attorney for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of January 2018, the foregoing was sent to Plaintiff, who is appearing *pro se*, at 5001 Opaline Road, Richmond VA 23223 by First Class United States Mail, postage pre-paid.



John M. Barr